REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-30 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. U.S. 2004/0088405 to Aggarwal (hereinafter "the '405 application") in view of U.S. Patent No. 5,787,248 to Zupcsics et al. (hereinafter "the '248 patent").

Claim 1 is directed to a method of initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising: (1) selecting a communication protocol among the respective communication protocols; (2) retrieving, from a first memory, information for accessing the device using the selected communication protocol; (3) accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device; (4) determining whether the vendor information was obtained from the device; (5) if the vendor information was obtained from the device, obtaining from a second memory, support information for extracting the status information using each of the respective communication protocols, and storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects; and (6) if the vendor information was not obtained from the device, repeating the proceeding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the '405 application discloses everything in Claim 1 with the exception of the selecting step, and relies on the '248 patent to remedy that deficiency.

The '405 application is directed to a fault and performance monitoring system using distributed data gathering and data storage. As shown in Fig. 4, the '405 application discloses a method of configuring devices on a network, associating the devices with a particular test, associating data gathering operations (DGEs) with the devices, and sending the performance configuration information to the respective data gathering operations (DGEs). As shown in Fig. 6, after the DGEs are configured, the devices can be monitored by polling or by event triggering. Further, the '405 application discloses that "[p]ort and SNMP tests can be automatically 'discovered' by querying the device to see what services are running. The system can automatically detect disk partitions, volumes and their sizes so that the usage is normalized as a percentage."[1] Further, the '405 application discloses that "when the auto-discovery for SNMP occurs, the target device database record may be updated with vendor and model information."[2] However, Applicants respectfully submit that the '405 application fails to disclose the two conditional steps recited in Claim 1. In particular, the '405 application fails to disclose that if the vendor information was obtained from the device, (1) obtaining from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects, as recited in Claim 1. Regarding vendor information, the '405 application discloses that the target device database record may be updated with vendor and model information when the auto-discovery for SNMP occurs. However, the '405 application does

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[1] See '405 application, paragraph [0339].
[2] Id. at paragraph [0340]. Emphasis added.

not disclose that if vendor information obtained from a device, that support information is obtained from a second memory. In this regard, Applicants note that the Office Action refers to paragraphs [0344] and [0345] as disclosing this step, implying that the support information is the configuration information disclosed in step 610 of Fig. 6. However, Applicants note that the condition for performing in '405 Figure 6 is that the data gathering element is not configured, not if the vendor information was obtained, as is required by Claim 1. In this regard, Applicants note that the Office Action implies that the DGE being not configured "is essentially the same as 'if the vendor information was obtained' since if the vendor information is obtained, the data gathering information would be inherently no[t] configured."[3] However, it is unclear to Applicants how the '405 application discloses that a DGE must not be configured if vendor information was obtained. Figure 6 of the '405 application merely discloses that the DGE must be configured before monitoring can occur. Even if obtaining vendor information is part of the '405 configuration process, which has not been shown, the '405 application does not disclose that if vendor information is obtained, the obtaining and storing steps recited in Claim 1 are then performed.

Moreover, Applicants respectfully submit that the '405 application fails to disclose that if the vendor information was obtained, storing the vendor information and the respective support information in each protocol object, as recited in Claim 1. The '405 application does not disclose that the vendor information and the support information are stored in the same place, let alone in a protocol object. In this regard, it is unclear to Applicants how the '405 applicant discloses a protocol object associated with a respective communication protocol, as recited in Claim 1. In this regard, Applicants note that the '405 application does not disclose repeating the step of selection a protocol. The 'that the vendor and model information may be stored in a target device database record, and that configuration information is downloaded to

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[3] Pages 10-11 of Office Action.

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a DGE. However, the '405 application does not disclose that both the vendor information

and the support information are stored in a protocol object, if the vendor information is

obtained from the device, as recited in Claim 1.

Further, Applicants respectfully submit that the '405 application fails to disclose that

if the vendor information was not obtained from the device, repeating the preceding steps

until the vendor information is obtained or until each communication protocol of the

respective communication protocols has been selected, as recited in Claim 1. In this regard,

Applicants note that the Office Action refers to paragraph [0340] of the '405 application as

disclosing in this step. Paragraph [0340] refers to an auto-discovery mechanism for SNMP,

but does not explicitly state that if vendor information is not obtained from a device that a

selecting step, a retrieving step, an accessing step, a determining step, and conditionally, an

obtaining and storing step are performed, as required by Claim 1. In this regard, Applicants

note that the '405 application does not disclose repeating the step of selecting a protocol. The

'405 application only discloses SNMP. Further, the '405 application does not teach or

suggest that a new communication protocol should be selected if vendor information is not

obtained, as recited in Claim 1.

The '248 patent is directed to a system for selecting a network management protocol

by setting a protocol handler index based on the newly selected protocol. In particular, the

'248 patent discloses the step of receiving a request at a communication device to change the

presently selected network management communication protocol to a new network

management communication protocol selected from among the plurality of network

management communication protocols residing in the communication device.[4] However,

Applicants respectfully submit that the '248 patent fails to disclose the two conditional

statements recited in Claim 1. In particular, the '248 patent fails to disclose a protocol object

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[4] '248 patent, column 7, lines 5-10.

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or the storing of vendor and support information in each protocol object associated with a plurality of the communication protocols, as recited in Claim 1. Moreover, Applicants note that the '248 patent does teach or suggest that a new communication protocol should be selected <u>if vendor information is not obtained from a device</u>, as recited in Claim 1.

Thus, no matter how the teachings of the '405 application and the '248 patent are combined, the combination does not teach or suggest that (1) <u>if the vendor information was obtained from a device</u>, obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and storing the vendor information and their respective support information in each support object of the plurality of protocol objects; and (2) <u>if the vendor information was not obtained from the device</u>, repeating the preceding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected, as recited in Claim 1. The '248 application discloses the use of part 134, while the '405 application discloses the use of SNMP, which uses port 161. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejection of Claim 1 (and dependent Claims 2-10) should be withdrawn.

Further, Applicants respectfully submit that there is no technological motivation for combining the teachings of the '405 application and the '248 patent. In particular, Applicants note that Claim 1 requires that if vendor information is not obtained from a monitored device, several steps are repeated, including the step of selecting a communication protocol among a plurality of communication protocols until the vendor information is obtained or until each communication protocol has been selected. However, nothing in the '405 application or the '248 patents teaches or suggests such an iterative process to obtain the vendor information of a monitored device using the plurality of communication protocols. The '248 patent discloses that a protocol is changed based on a request but does not teach or suggest that a

communication protocol should be changed based on whether particular information is obtained from a particular device, as recited in Claim 1. Moreover, the '405 application does not teach or suggest changing communication protocols in order to obtain vendor information from a monitoring device, as recited in Claim 1. The '248 application discloses the use of port 134, while the '405 application discloses the use of SNMP, which uses port 161. Accordingly, for these additional reasons, Applicants respectfully submit that *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-10) should be withdrawn.
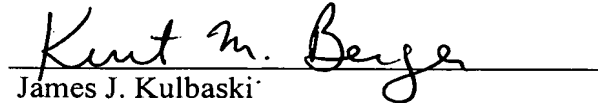
Independent Claims 11 and 21 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 11 and 21 (and all associated dependent claims) should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 11, and 21 (and all associated dependent claims) patentably define over any proper combination of the '405 application and the '248 patent.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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